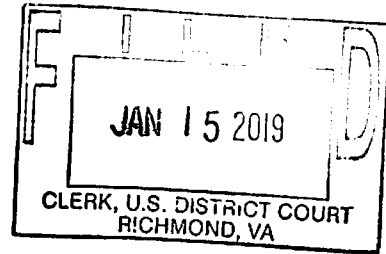


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KELVIN J. MILES,

Plaintiff,

v.

Civil Action No. 3:18CV839

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION

Kelvin J. Miles, a federal inmate, submitted this civil action and applied to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Miles has at least three actions that have been dismissed as frivolous, malicious or for failure to state a claim upon which relief could be granted. See Miles v. Md. Parole Comm., No. AW-08-2295, 2008 WL 7706613, at *3 n.3 (D. Md. Sept. 24, 2008) (citations omitted). Miles's current complaint does not demonstrate that he is in imminent danger of serious physical harm.

Accordingly, this Court will dismiss the action without prejudice to Miles refiling of the action accompanied by the full \$400.00 filing fee.

The Clerk of the Court is directed to send a copy of this Memorandum Opinion to Miles.

It is so ORDERED.

Date: *January 11, 2019*
Richmond, Virginia

/s/ REP

Robert E. Payne
Senior United States District Judge